

REMARKS

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. § 1.111, and in light of the remarks which follow.

Claims 54-63, 65-74, 76-86, 89-91 and 94-122 are present in this application. Claims 1-53, 92 and 93 were previously cancelled. Claims 64, 75, 87 and 88 were cancelled in this amendment. Claims 54-63, 65-74, 76-86 and 108-122 remain under consideration in this application. Claims 108 - 122 have been added. Claims 89-91 and 94-106 have been withdrawn from consideration by the Examiner as being drawn to non-elected groups in a restriction requirement.

Claim 54 has been amended to incorporate the subject matter of claim 64. Claims 65-69 have been amended to depend from claim 54. These claims previously depended from claim 64, but the subject matter of claim 64 was incorporated into claim 54 and claim 64 has been cancelled. Claims 70, 72 and 76-78 have been amended to depend from claim 108. Claim 84 has been amended to recite that the generation chains and the intermediate chains are respectively represented by formula (C1) and (C2). Support for this amendment is found in the previous version of the claim.

Claims 108 - 122 have been added. These claims are analogous to claims 57 - 63, 72, 76 - 78, 81-85, 89, but depend from claim 108.

Newly added claims 121 and 122 are directed to methods of preparing and methods of using the polymer of claim 108. Claims directed to methods of preparing and using the claimed compounds had been subject to a restriction requirement and are subject to rejoinder provided that those claims include all of the limitations of the

compound claims. These new claims have been added to comply with this requirement.

No new matter has been introduced as a result of the foregoing amendments.

Applicants note for the record that the withdrawn claims have not been cancelled because the claims under consideration are composition claims and the withdrawn claims are directed to process of manufacturing and using the compositions under consideration. The withdrawn claims may be amended as needed during further prosecution of the claims under consideration so that the withdrawn claims comprise the required elements to allow for rejoinder of the withdrawn claims upon allowance of the claims under consideration.

Statement of Substance of Interview

Applicant's representative conducted a telephonic interview with Examiner Dollinger on January 29, 2010. It was noted that the response to the previous Office Action, which was Final, included an RCE. Applicant indicated that they believe that the instant Office Action was mistakenly identified as Final, when it should have been a Non-Final Action. The Examiner agreed with Applicant's position and indicated that he needed to check with Mr. Gulakowski, his supervisor, who would not be returning to the office until Tuesday, Feb. 2, 2010. Examiner Dollinger indicated that he would contact Applicant's representative after discussing the matter with Mr. Gulakowski and requested that the response not be submitted until after the contact.

On Tuesday, Feb. 2, 2010, Examiner Dollinger notified Applicant's representative that Mr. Gulakowski concurred that the Office Action should have been Non-Final. Examiner Dollinger indicated that the response should be filed as an Amendment After Final and that the finality of the current Office Action would be withdrawn in the next Office Action. Applicant's representative expressed concern that such a procedure may inadvertently be viewed as there having been an abandonment of the case. Applicant's representative indicated that a continuation application, without the payment of fees, may need to be filed in order to preserve Applicant's rights by not letting the instant application become abandoned. Examiner Gulakowski indicated that an Examiner Interview explaining the Office Action should have been Non-Final, rather than Final, would be issued and that it was not necessary to file a continuation application. Applicant appreciate the time and effort spent by both Examiner Dollinger and Examiner Gulakowski in correcting the record in this matter.

Double Patenting

Claims 54, 55, 58, 59, 61-66, 68-70, 72, 75-77 and 80-84 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over co-pending Application No. 10/580,422 as published in U.S. Patent Application Publication 2007/0083034 on April 12, 2007.

Applicants request that this matter be held in abeyance until such time as one of the applications is otherwise allowable. It is believed to be premature to file a terminal disclaimer before the scope of the claims has been settled. In the event that the Examiner is ready to allow this application except for this rejection, he is asked to

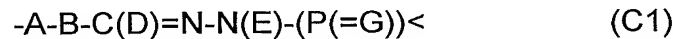
contact the undersigned so that an appropriate terminal disclaimer can be promptly prepared and filed.

35 U.S.C. §102(b) prior art rejections

Claims 54-57, 60-62, 70-73, 79, 80, 83, 87 and 88 have been rejected under 35 U.S.C. §102(b) as being anticipated by Killat et al. (US 4,871,779).

It is well established that in order to demonstrate anticipation over 35 U.S.C. § 102(b), each feature of the claim at issue must be found, either expressly described or under principles of inherency, in a single prior art reference. See, *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789 (Fed. Cir. 1983).

Claims 54 and 108 are the two independent claims in the instant application. Claim 54 is directed to dendritic polymers of generation n comprising generation chains represented by formula (C1) where the variables are further defined.



Claim 108 is directed to dendritic polymers of generation n comprising intermediate chains represented by formula (C2) where the variables are further defined.



These generation and intermediate chains are different from those disclosed in Killat et al. (U.S. 4,871,779).

Therefore the instantly claimed dendrimers are distinct from those disclosed in Killat. Applicants respectfully submit that the claims are not anticipated by Killat and the rejection should be withdrawn.

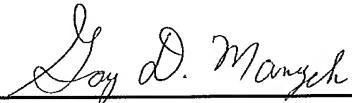
In view of the foregoing, it is believed that entry of the proposed amendments should be allowed and that the record rejections cannot be maintained against the proposed claims once entered into this application. Further, favorable action in the form of a Notice of Allowance is believed to be next in order and is earnestly solicited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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